

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

PLAINSMEN ENERGY, INC.,)
)
Plaintiff,)
)
v.) Case No. CIV-20-895-C
)
SK NEMAHA, LLC,)
)
Defendant.)

ORDER

There are two cases in this Court involving these parties – case no. CIV-20-225-C and the present case. In both cases, Plaintiff alleges Defendant's fracking activity damaged a well operated by Plaintiff. In each case, Defendant submitted discovery to Plaintiff and Plaintiff only partially responded. In both cases Defendant requested Plaintiff to provide a calculation of damages sought and Plaintiff failed to respond. Plaintiff's failure to properly respond has required Defendant to file a Motion to Compel. In both instances, Plaintiff has failed to respond to that Motion. In case no. CIV-20-225-C, the Court, on September 10, 2020, granted the Motion to Compel and awarded Defendant its fees and costs associated with the Motion. Plaintiff failed to provide the requested discovery as required by the Court's Order. Defendant filed a Motion for Sanctions. The Court granted that Motion in part and again Ordered Plaintiff to comply with the discovery requests. The Court also cautioned Plaintiff's counsel that continued malfeasance would result in more significant sanctions up to and including dismissal of Plaintiff's case.

As noted above, Plaintiff's malfeasance continues in this case. The precise behavior that led to sanctions in case no. CIV-20-225-C is repeated here. Plaintiff is represented by the same counsel and has raised the same claims, with the only difference being the location of Plaintiff's and Defendant's wells. Thus, it is clear that Plaintiff and/or its counsel failed to appreciate the Court's prior admonishment regarding their obligations when practicing before this Court.

Accordingly, Defendant's Motion to Compel will be granted. Plaintiff shall provide responsive documents to Defendant within five days of the date of this Order. The parties shall confer on the costs and fees associated with bringing the present Motion. In the event the parties are unable to agree on the fees and costs, Defendant shall file its request for fees and costs within 20 days of the date of this Order. Further, Plaintiff is advised that any further failure to respond to this Order, additional discovery from Defendant, or otherwise fail to timely and properly prosecute this case will result in dismissal of this case and case no. CIV-20-225-C.

As set forth more fully herein, Defendant SK Nemaha LLC's Motion to Compel (Dkt. No. 13) is GRANTED.

IT IS SO ORDERED this 12th day of April 2021.



ROBIN J. CAUTHRON
United States District Judge